

December 9, 2024

ECF

Hon. Sarah L. Cave
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-131

Re: *Cynthia Herrick et al. v. Shutterstock, Inc.*, 1:23-cv-03191-JPC

Dear Magistrate Judge Cave:

Pursuant to the Court's October 29, 2024 Order (Dkt. 65), Plaintiff Cynthia Herrick ("Plaintiff"), on behalf of herself and all others similarly situated, and Defendant Shutterstock, Inc. (together with Plaintiff, the "Parties") submit this joint letter to provide a status update to the Court in advance of the December 12 conference.

The Parties have responded to discovery requests, and there are some requests outstanding which they are attempting to resolve in good faith. However, the Parties have met and conferred and do not have any outstanding discovery issues to raise at the conference.

Additional Note from Plaintiff. While Plaintiff agrees that the parties do not have any specific discovery disputes at this time, Plaintiff is concerned at the pace of Defendant's document production in response to Plaintiff Herrick's First Set of Requests for Production to Defendant Shutterstock, Inc., served August 16, 2024. Defendant's first production of *thirty-nine (39)* documents occurred on October 31, 2024. Its second production occurred on December 5, 2024 and consisted of *twenty-three (23)* documents. Defendant's document production is to be substantially completed by ***Monday, December 16, 2024***. Additionally, although the parties agreed to use a sampling method for responses to certain of Plaintiff's requests in September, the parties have yet to agree on a protocol. Nor does the Plaintiff have a clear understanding of when the Defendant will complete its production and what documents will be produced when. Plaintiff needs more visibility into Defendant's plans to substantially complete its production within the week.

Defendant's Response. Defendant is working in good faith to complete its production. On December 9, Defendant sent over a proposed sampling protocol and requested a call to review it.

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Thank you for the Court's attention to this matter.

Respectfully submitted,

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Cc: Counsel of record via ECF